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Message Text

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72
ORIGIN L-02

INFO OCT-01 EA-06 ISO-00 SSO-00 CCO-00 NSCE-00 CIAE-00

DODE-00 PM-03 H-02 INR-07 NSAE-00 NSC-05 PA-01 PRS-01

SP-02 SS-15 USIA-06 /051 R

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APPROVED BY L:MLEIGH
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C O N F I D E N T I A L STATE 125383 TOSEC 020116

E.O. 11652: GDS

TAGS: PGOV, US

SUBJECT: MAYAGUEZ - TESTIMONY BEFORE HOUSE SUB-COMMITTEE
FROM MONROE LEIGH

1. ZABLOCKI SUBCOMMITTEE OF HIRC HAS REQUESTED ME TO APPEAR ON JUNE 4 IN OPEN SESSION ON WAR POWERS ASPECTS ON MAYAGUEZ RECAPTURE. UNDERSTAND FOCUS IS TO BE ON CONSULTATION WITH CONGRESS PRIOR TO MAYAGUEZ OPERATION.

2. SECTION 3 OF WAR POWERS RESOLUTION REQUIRES PRESIDENT TO CONSULT "IN EVERY POSSIBLE INSTANCE" BEFORE INTRODUCING U.S. FORCES INTO HOSTILITIES. CONGRESSIONAL LEADERS INTERPRET CONSULTATION AS REQUIRING NOT ONLY NOTIFICATION BUT ALSO A SOLICITATION OF CONGRESSIONAL ADVICE ON WHETHER AND HOW AN OPERATION SHOULD BE CARRIED OUT.

3. BEFORE THE ZABLOCKI SUBCOMMITTEE I PLAN TO LIMIT MY TESTIMONY AS MUCH AS POSSIBLE TO REPORTING STEPS TAKEN BY CONFIDENTIAL

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THE EXECUTIVE BRANCH TO INFORM CONGRESSIONAL LEADERSHIP ABOUT THE MAYAGUEZ OPERATION. WHEN PRESSED, I WILL CONTEND THAT CONSULTATION WAS EXTENSIVE, THAT GENERALLY THE DEGREE OF CONSULTATION INVOLVES A LARGE ELEMENT OF PRESIDENTIAL

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JUDGMENT, AND THAT UNDER CIRCUMSTANCES OF MAYAGUEZ AFFAIR MORE EXTENSIVE CONSULTATION WAS NOT FEASIBLE.

4. SENATOR EAGLETON HAS PROPOSED NEW AMENDMENTS TO WAR POWERS RESOLUTION THAT WOULD CHANGE THE "CONSULT" REQUIREMENT TO A REQUIREMENT THAT THE PRESIDENT "SEEK THE ADVICE AND COUNSEL" OF CONGRESS. THE OBJECTIVE OF THIS AMENDMENT IS TO EMPHASIZE THAT THE PRESIDENT SHOULD NOT ONLY INFORM CONGRESS BUT SHOULD RECEIVE CONGRESSIONAL VIEWS BEFORE INTRODUCING U.S. FORCES INTO HOSTILE SITUATIONS.
INGERSOLL

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